

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

MEMORANDUM OF OPINION

This case comes before the court on the motion of defendant James P. Thorne, Jr. to dismiss the action against him. (Doc. 4). The magistrate judge filed a report and recommendation on May 12, 2006, recommending that the motion to dismiss the individual defendant be DENIED at this time. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, defendant's motion to dismiss is due to be DENIED. An appropriate order will be entered.

DONE and ORDERED this 7th day of June, 2006.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE